Remarks/Arguments:

At the outset, applicant wishes to thank the Examiner for withdrawal of the previous rejections under 35 USC § 103. This amendment addresses the new grounds raised in the final rejection and is response to the Notice of Non-Compliant Amendment dated May 4, 2009. A Request for Continued Examination was included with the filing of April 30, 2009.

Response to Notice of Non-Compliance

Applicant further thanks the Examiner for the careful review of the amended claims as presented by the amendment dated April 30, 2009, and the identification of several typographical errors in the claims, resulting in the need for the Notice of Non-Compliant Amendment due to the incorrect claim status identifiers.

With respect to Claim 1, the Claim has been amended to show the deletion of the phrase "or both" from the last limitation, and to correct the status identifier.

With respect to Claim 3, the typographical errors over the version appearing in the previous amendment have been corrected, and hence the claim remains unchanged from the previous amendment. The claim status is properly shown as "Previously Presented".

With respect to Claim 16, the omission of the phrase "a lubricant" over the version appearing in the previous amendment has been corrected. The Claim status remains "Currently Amended" due to other changes to the claim.

With respect to Claim 39, the typographical errors over the version appearing in the previous amendment have been corrected, and hence the claim remains unchanged from the previous amendment. The claim status is properly shown as "Previously Presented".

With respect to Claims 50-54, Applicant determined it would be eaiser to simply cancel pending Claims 50-54, and to reinsert the intended claims as new Claims 56-60 in order to show the intended changes.

Accordingly, Claims 1 – 6, 8, 10 – 17, 19, 30, 35 – 47, 49, and 55-60 are in this case. Claims 1, 16, 17, 36, and 49 have been amended for further clarity. Claims 50-54 have been cancelled and new Claims 56-60 have been added. All claims have been rejected.

Claims 1 – 6, 8, 10 – 17, 19, 30, 35 – 47, and 49 – 55 have been rejected under 35 USC § 112 as indefinite "for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." While claim 1 recites a nanoimprint pattern-forming method using a film "comprising a polymeric composition including an internal mold release agent," the Examiner maintains that claim 1 is indefinite as to whether the polymeric composition includes an internal mold release agent because claims 17 and 49 say "said

nanoimprint resist comprises from about 20 weight percent to 100 weight percent of said polymeric composition." The Examiner argues that if claim 17 were 100 weight percent of said polymeric composition, then it could contain no internal mold release agent. Thus, the Examiner maintains that claim 1 and all claims depending on it are indefinite. The Examiner makes the same argument with respect to claim 49. Thus all claims have been rejected as indefinite.

While applicant respectfully disagrees with Examiner's position, application has amended claims 17 and 49 in deference to the rejection. These claims, as amended, no longer recite the "100 weight percent" limit that has been objected to. Claim 1 has not been amended because no objection was made to its wording. Claim 1 clearly states that the polymeric composition includes an internal mold release agent. With the deletion of the "100 weight percent" limit any alleged ambiguity disappears.

Claims 16 and 17 are also rejected under 35 USC § 112 on the ground that there is no antecedent basis for the term "said nanoimprint resist." The Examiner is correct, and the term has been cancelled and replaced by "said film" which has an antecedent basis in claim 1. In view of these amendments it is believed that all claims are now clear and definite.

Claims 1 – 4, 6, 8, 15 – 17, 30, 35 – 40, 42 – 47, 49 – 50 and 52 – 55 are also rejected on the ground of non-statutory obviousness-type double patenting in view of claims 1 – 3, 7, 14, and 19 of U.S. Patent No. 5,772,905 in view of Gebhardt et al, U.S. Patent No. 5,731,086. These rejections also are believed

inapplicable to the claims as amended and to the new claims 56-60, replacing original claims 50-54.

It is well-established that for a combination of references to make obvious a claimed invention, the references must teach or suggest each and every limitation of the claim. In the present case, each and every claim – directly or by dependence – now unambiguously calls for "a polymeric composition including an internal mold release agent." The Examiner acknowledges that the claims of the '905 patent "do not disclose the present internal release agent" (Office Action, p. 5), but argues that Gebhardt "teaches to use release agent in order to enhance the removal process" (citing Gebhardt, Col. 48, lines 30 – 40). But the cited portion of Gebhardt refers to coating a foil sheet with a release agent, i.e., a metal layer is coated with an external release material. This coated metal is remote from a polymeric composition including an internal mold release material as called for by the pertinent claims. Accordingly the proposed combination of the '905 claims and Gebhardt does not make obvious the inventions claimed here, and the double patenting rejection is inapplicable.

In view of the foregoing, it is respectfully submitted that all pending claims are now clear and definite and free of double patenting. Accordingly, this application now fully complies with the requirements of 35 USC § 112 and the non-statutory double patenting doctrine and is now in condition for allowance. Reconsideration and favorable action in this regard is therefore earnestly solicited.

Respectfully submitted,

/Mark E. Books, Reg. No. 40918/
Mark E. Books, Reg. No. 40918
Polster, Lieder, Woodruff & Lucchesi, L.C.
Customer Number: 001688
12412 Powerscourt Drive, Suite 200
St. Louis, Missouri 63131
(314)-238-2400
(314)-238-2401 (fax)